



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.11231 of 2019
and WMP.No.11601 of 2019

K.Mathivanan

...Petitioner

Vs

1. The Managing Director
Tamil Nadu Civil Supplies Corporation
No.10, Thambusamy Street,
Kilpauk, Chennai 600 010

2. The Senior Regional Manager,
Tamil Nadu Civil Supply Corporation
Nagapattinam District.

... Respondents

Prayer:Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to regularise the service of the petitioner from the date of joining i.e., 15.09.1984 to 30.06.2013 for 29 years.

For Petitioner : Mr.R.Karunakaran
For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader
for R1 and R2

O R D E R

The petitioner has sought for Writ of Mandamus directing the respondents to regularise the service of the petitioner from the date of joining i.e., 15.09.1984 to 30.06.2013 for 29 years.

2. The case of the petitioner is that he joined as a helper in the second respondent Corporation in the year 1984 and continuously worked for 29 years and was drawing Rs.3,000/- as consolidated salary at the beginning and the respondent assured that his service would be regularised. Thereafter the respondent regularised his service from the year 2013 and was drawing Rs.22,019/- at the time of retirement. The petitioner was permitted to retire on 30.06.2013 but his gratuity amount of Rs.3,16,470/- has not been paid till date. The second respondent on 24.03.2018 attempted to regularise his service and on



16.11.1995 A.N. his prior service of 17 years 7 months 9 days from 15.09.1984 has not been taken into consideration. The petitioner further stated that no notice or enquiry conducted regarding the alleged movement shortage and order of recovery that too when the petitioner has been allowed to retire from his service. No order has been passed so far against the petitioner regarding the movement shortage. Now the respondent has not paid the gratuity amount of Rs.2,07,588/- and earned leave amount. The respondent has no right to deduct the movement shortage amount unilaterally from the due payable to the petitioner. Hence on 28.12.2019 all the employees had made representation to the respondent that no right to deduct the alleged movement shortage amount from their gratuity and earned leave salary. The petitioner submitted a representation specifically claiming that his service from 1984 to 30.06.2013 to be regularised and taking consideration of 29 years of service all the attendant benefits to be paid and special pension payable to him. The Provident Fund Commissioner also stated that P.F. amount of the petitioner is with hold from the year 1995 and not from the year 1984 which is illegal and unjust. Hence the present writ petition.

3. Considering the nature of relief sought for in this writ petition, without going into the merits of the case, the respondents are directed to consider the representations dated 13.04.2018 & 28.12.2018 of the petitioner and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

4. With the above direction, the writ petition is disposed of. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Managing Director
Tamil Nadu Civil Supplies Corporation
No.10, Thambusamy Street,
Kilpauk, Chennai 600 010

2. The Senior Regional Manager,
Tamil Nadu Civil Supply Corporation
Nagapattinam District.

+1cc to Mr.R.Karunagaran , Advocate SR.No. 100352

+1cc to Mr.L.P.Shanmugasundaram , Advocate SR.No. 100185

Writ Petition No.11231 of 2019
and WMP.No.11601 of 2019